



WASHINGTON STATE DEPARTMENT OF  
**Natural Resources**

Doug Sutherland - Commissioner of Public Lands

# The DERELICT VESSEL REMOVAL PROGRAM (DVRP)



# WHAT ARE THE PROGRAM'S ROLES?



- **Removal and disposal** of derelict and abandoned vessels found in Washington's navigable waterways. Vessels are removed on a priority basis. By law, vessels in danger of sinking or posing a threat to human health/safety, the environment or navigation must be removed first.
- **Management of the Derelict Vessel Removal Account (DVRA) budget**, which includes reimbursing up to 75% of an authorized public entity's costs for vessel removal and disposal, and planning future removal operations.
- **Maintenance of the Derelict Vessel Inventory** - the basis for the program's operations. This database holds information on all derelict/abandoned vessels reported since the program's inception. The database lists each vessel by its priority category.
- **Provision of guidance and assistance** to public entities and members of the public.
- **Reimbursement of funds to authorized public entities** - up to 75% of the cost of vessel removal and disposal. The remaining 25% can be in the form of funds or "in-kind" services (personnel time, equipment use) provided by the public entity. The timeframe for reimbursement is based on the vessel priority category and the DVRA fund balance.
- **Maintenance of the Derelict Vessel Removal Program website**, which provides information, guidelines and reporting and application forms. It also provides links to the current inventory and the DVRA fund balance.
- **Monitoring the Derelict Vessel Removal Program e-mail account** - for incoming inquiries and derelict/abandoned vessel reports. [DVRP@wadnr.gov](mailto:DVRP@wadnr.gov)





# WHAT ARE THE PROGRAM'S PRIORITIES?

- The law (RCW 79.100) dictates that the program give priority to vessels in danger of sinking, breaking up, or presenting a threat to human health/safety, the environment or navigation
- Vessels are removed in order of priority, from the top of the inventory downwards. There are currently 105 vessels on the list
- The program only works with vessels up to 200 feet in length





# FAQ

Q1. *Why were the Derelict Vessel laws created?*

A1. Growing number of derelict/abandoned vessels in WA waterways—WPPA was particularly aware of the problem and undertook a state-wide survey of numbers of vessels. The 2002 Legislature passed ESHB 2376. RCW 79.100 came into effect January 2003

Q2. *What constitutes a derelict or abandoned vessel?*

A2. **Derelict vessel** means the vessel's owner is known and can be located, and exerts control of a vessel that:

- (a) Has been **moored, anchored, or otherwise left in the waters of the state or on public property contrary to RCW 79.02.300 or rules adopted by an authorized public entity;**
- (b) Has been **left on private property without authorization of the owner; or**
- (c) Has been **left for a period of seven consecutive days, and:**
  - (i) Is **sunk or in danger of sinking;**
  - (ii) Is **obstructing a waterway; or**
  - (iii) Is **endangering life or property.**







## FAQ



### A2. (continued) "Abandoned vessel":

means the vessel's owner is not known or cannot be located, or if the vessel's owner is known and located but is unwilling to take control of the vessel, and the vessel has been left, moored, or anchored in the same area without the express consent, or contrary to the rules, of the owner, manager, or lessee of the aquatic lands below or on which the vessel is located for either a period of more than thirty consecutive days or for more than a total of ninety days in any three hundred sixty-five day period. For the purposes of this subsection (1) only, "in the same area" means within a radius of five miles of any location where the vessel was previously moored or anchored on aquatic lands.

## FAQ



Q3. *Who can act as an authorized public entity (APE)?*

A3. Certain public entities, defined in RCW 79.100, can take temporary possession and custody of vessels meeting the definitions of 'derelict' or 'abandoned': DNR, WDFW, Port Districts, Parks & Recreation Commission, Metropolitan Park Districts, any city/town/county with ownership, management or jurisdiction over aquatic lands. (**This authority is permissive** - authorized public entities do not have a duty to exercise the authority. They can request that DNR act as the lead)



# FAQ



**Q4.** *Where does the funding come from?*

**A4.** A \$2 surcharge on the annual WA vessel registration fee, and a \$5 surcharge on the cost to obtain a foreign vessel identification document. These fees raise approximately \$400,000 per year

**Q5.** *How do you decide which vessels get removed, and when?*

**A5.** Vessels reported to the Program are prioritized using a checklist. The checklist characterizes the likelihood that the vessel will sink or break-up, and characterizes the threat it poses to human health and safety, to the environment and to navigation. Priority categories run **①** through **⑤**, reflecting the order in which RCW 79.100 dictates the program prioritize funding for vessel removals. Each Derelict Vessel Report is entered in the Derelict Vessel Inventory database and removals are undertaken from the top of the list downwards. Each vessel is assigned an ID#, which the Program supplies to the reporting agency for tracking purposes, along with the vessel's Priority rating.

# PRIORITIZATION CATEGORIES

## Priority 1 - Vessels in imminent danger of sinking

- 1A - Potential hazard to human health or safety
- 1B - Potential environmental hazard
- 1C - Potential navigational hazard
- 1D - Minimum hazard potential

## Priority 2 - Vessels posing a direct threat to human health or safety

- 2A - Threat to human health
- 2B - Threat to human safety

## Priority 3 - Vessels posing a direct threat to the environment

- 3A - Currently discharging, or has the potential to discharge, petroleum, oils, lubricants, solvents or other hazardous materials
- 3B - Impacting federal or state listed plant or wildlife species
- 3C - Impacting other protected species
- 3D - Impacting aquaculture
- 3E - Impacting a marine protected area
- 3F - Impacting air quality

## Priority 4 - Vessels posing a direct threat to navigation

- 4A - Blocking entrance to an embayment or other important navigation route
- 4B - Located where it may be a hazard to navigation but is not in a defined navigation route
- 4C - Blocking access to a marina or marina slip

## Priority 5 - Vessel meets the definition of 'derelict' or 'abandoned, but does not meet any of the other criteria above





# FAQ



**Q6.** *Explain jurisdiction, especially vessels on privately owned lands...*

**A6.** An APE's jurisdiction is the territorial range over which it has the authority to allow, permit or otherwise condition public activities (eg ports, cities, counties, parks, WDFW). DNR has jurisdiction over all SOAL. APEs can exert the authority for vessels on privately owned tidelands, if the owner gives permission for entry. An APE can request that DNR take the lead on a removal under their jurisdiction. The request must be made in writing. (Appendix H in the Guidelines has a *Change of Primary Responsibility Request Form*). If an APE is unable or unwilling to act on their behalf, the only options open to a private land owner fall under trespass or common law

**Q7.** *Explain the 75% reimbursement/25% matching funds...*

**A7.** All APEs, including DNR, must provide at least 25% matching funds for the total cost of the removal/disposal. The 25% can be in the form of 'in-kind' services, like personnel/volunteer time or equipment use

# FAQ



**Q8.** *Are there other options to reduce the matching funds requirements?*

**A8.** Yes, a number of APEs can act together—Joint APEs share the 25% matching funds between them=12.5% each

**Q9.** *Who else has power over derelict/abandoned vessels?*

**A9.** USCG and Ecology, over vessels causing pollution; USACE over vessels that impede commercial navigation or threaten life, property or structures that facilitate navigation

**Q10.** *How do we identify the owner of a derelict/abandoned vessel?*

**A10.** The Program has access to DOL's Vehicle/Vessel Inquiry System. The system provides details on the last registered and legal owners and their address, along with registration expiration dates. If no WN-number is visible, the Hull Identification Number can also be run. We can provide this information to an authorized public entity





# FAQ



**Q11.** *Is the vessel owner liable at all?*

**A11.** Yes, the owner is legally liable for all costs associated with the removal and disposal. The APE should attempt to recover costs, or prove the owner has no assets, prior to applying for reimbursement

**Q12.** *Explain how an APE goes about taking custody....*

**A12.** An APE can take temporary possession of a vessel in immediate danger of sinking, breaking up or threatening to impact human health/safety, the environment or navigation. The vessel is held by the APE and the owner must be notified as soon as possible. The process of taking custody takes 30 days, and requires four types of notification. (Letter to last known address of owner and lien holders registered with any state or federal agency; boat posting notice; newspaper publication notice; DVRP website posting notice). A further 20 days should be allowed before vessel disposal or sale—the previous owner has a statutory right to file a lawsuit to redeem the vessel or dispute the amount of costs they owe.

# FAQ

Q13. *How are vessels recovered and disposed of?*

A13. Vessels are removed from the water in the most appropriate manner (tow, lift out/beach). Sunken vessels are often raised by a combination of air-lift bags and high-pressure pumping. Pollutants are removed and disposed of using methods that meet all state and federal laws, rules and regulations. The vessels are then demolished with heavy plant and cutting equipment and landfilled appropriately.







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- APEs—send the Program a Derelict Vessel Reporting Form for each of your derelicts. Reports will be entered into the Derelict Vessel inventory, placing them on the waiting list for removal. Talk with us about reimbursement and inter-agency agreements, or just for advice.

# WHAT CAN YOU DO?

DERELICT VESSEL INFORMATION			
* Today's date: <input type="text"/>		* Date sighted: <input type="text"/>	Date of incident: <input type="text"/>
* Reported by: <input type="text"/>		* Phone number: <input type="text"/>	
* Address: <input type="text"/>			
* General location: <input type="text"/>			
Latitude: <input type="text"/>		Longitude: <input type="text"/>	Water Depth: <input type="text"/>
* Type of hazard (check all that apply): Navigation <input type="checkbox"/> ; Human health <input type="checkbox"/> ; Environmental <input type="checkbox"/> ; Aesthetic <input type="checkbox"/> ; Other <input type="text"/>			
Vessel name: <input type="text"/>		Identification number: <input type="text"/>	
Length: <input type="text"/> feet		Beam (width): <input type="text"/> feet	Gross tonnage: <input type="text"/>
Hull type (wood, fiberglass, etc.): <input type="text"/>	Propulsion (Power, sail, other): <input type="text"/>		Type of fuel (gas, diesel): <input type="text"/>
Estimated fuel capacity of all tanks on board: <input type="text"/> (gallons)		Estimated fuel on board when the vessel sank: <input type="text"/> (gallons)	
Other hazardous materials on board (e.g. hydraulic fluid, propane, oil) and estimated amounts: <input type="text"/>			
Vessel is located on: State-owned aquatic land <input type="checkbox"/> ; DNR leasehold <input type="checkbox"/> (Type <input type="text"/> ); Private land <input type="checkbox"/> ; Other <input type="text"/>			
What government agencies have responded to this incident? (Include copies of all incident reports) <input type="text"/>		Summary of actions by other government agencies: <input type="text"/>	
Additional comments: <input type="text"/>			

*This form is available at the website*

# Proposed changes to the Derelict Vessels Act

## Legislative session 2006



1. Create more of a disincentive for abandoned or derelict vessels.  
Add language to RCW 79.100 that would make causing a vessel to become abandoned or derelict a misdemeanor.
2. Maximum reimbursement to an APE utilizing the program is 75%.  
Change the maximum amount of reimbursement by DVRA to 90% for all APEs. A 10% match will still create an incentive to for APEs to keep their costs to a minimum.
3. Derelict vessel provisions in Port statutes are inconsistent with RCW 79.100.  
Modify RCW 79.90.100 to include the reimbursement of removal and disposal costs incurred as a result of projects completed by Port District under RCW 53.08.320.
4. The Derelict Vessel Removal Account does not have the authority to accept funds from other sources.  
Modify RCW 79.100.100 to allow DVRA to accept funds from other sources including other governments and private sector grants or donations with the condition that funds received will not alter the removal priority of any particular vessel.
5. Current appeals process may deprive a vessel owner of the right to due process.  
Modify the language in RCW 79.100.90 to establish an administrative hearings process within DNR consistent with the Administrative Procedures Act.
6. Minor clarifications and changes  
Small modifications will make the statutes dealing with obtaining custody and reimbursement of costs easier to understand while clarifying the procedures an APE must follow to ensure reimbursement.



# INFORMATION AT THE DVRP WEBSITE



- Information on the program
- Derelict Vessel Reporting form and reporting procedures, applications for reimbursement of removal and disposal costs
- The current DVRA fund balance
- The current Derelict Vessel Inventory status
- Guidelines for authorized public entities



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# HOW TO CONTACT THE DVRP

Washington State Department of Natural Resources  
Derelict Vessel Removal Program  
Aquatic Resources Division

PO Box 47027  
1111 Washington St SE  
WA 98504-7027



Rick Mraz  
(360) 902-1100 or (360) 902-1574  
[DVRP@wadnr.gov](mailto:DVRP@wadnr.gov)

[www.dnr.wa.gov/htdocs/aqr/derelict\\_vessel/index.html](http://www.dnr.wa.gov/htdocs/aqr/derelict_vessel/index.html)